

The Little Traverse Bay Bands of Odawa Indians Tribal Council
Tribal Court Room 1150 Bayview, Petoskey, MI 49770
November 18, 2001
9:30 a.m.

Executive Session: yes

Call to order: Meeting was called to order at 9:42 am

Council present: Chairman Gerald V. Chingwa, Vice-Chairman George Anthony,
Secretary Fred Harrington Jr., Treasurer Alice Yellowbank, Councilor Janet Shomin,
Councilor Beatrice A. Law

Council absent: Councilor Rita Shananaquet, excused

Staff present: See attached list

Guests: See attached list

Motion made by Vice-Chairman George Anthony and supported by Treasurer Alice Yellowbank, to adopt the agenda as amended.

Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Rita Shananaquet)

Motion carried

Motion made by Councilor Beatrice A. Law and supported by Councilor Janet Shomin to approve the minutes of November 4, 2001 as corrected.

Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Rita Shananaquet)

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairman George Anthony, to adopt into the record the phone poll dated November 6, 2001, to approve the IHS (Indian Health Service) budget in the amount of \$2,785,868.00 and to approve Resolution #110801-01 for submission to Indian Health Service area office, Bemidji, Minnesota. The phone poll passed.

Roll Call Vote: Chairman Gerald V. Chingwa- yes, Vice-Chairman George Anthony- yes, Treasurer Alice Yellowbank- yes, Secretary Fred Harrington Jr.- yes, Councilor Janet Shomin- yes, Councilor Rita Shananaquet- absent, Councilor Beatrice A. Law - yes

Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Rita Shananaquet)

Motion carried

Motion made by Councilor Janet Shomin and supported by Treasurer Alice Yellowbank, to accept into the record the phone poll dated 11/6/2001, to allow Leonard J. Mitchell to sign the Anishnabeg Consensus Statement of Repatriation of Native American Human Remains and Cultural Items document as a representative of the Little Traverse Bay Bands of Odawa Indians, the phone poll passed.

Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Rita Shananaquet)

Motion carried

Motion made by Councilor Beatrice A. Law and supported by Treasurer Alice Yellowbank, to accept the Tribal Administrator's verbal and written report of November 18, 2001.

Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Rita Shananaquet)

Motion carried

Motion made by Councilor Janet Shomin and supported by Councilor Beatrice A. Law, to approve a \$500 increase in ICWC budget to come from the Enterprise Fund line item other.

Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Rita Shananaquet)

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Beatrice A. Law, to approve the 2002 Tribal Governmental and Enterprise Budget except Gaming Regulatory Commission, Gaming Regulatory Commission Licensing, Gaming Regulatory Compliance, and Gaming Regulatory Surveillance Budgets as presented in work session 11/17/2001.

Vote: 5 Yes, 1 No (Councilor Janet Shomin), 0 Abstained, 1 Absent (Councilor Rita Shananaquet)

Motion carried

Motion made by Councilor Beatrice A. Law and supported by Vice-Chairman George Anthony, to approve the Investment Committee's continued research on investment opportunities with the Merrill Lynch Firm and present a draft investment plan for approval at a future regularly scheduled Tribal Council meeting.

Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent, (Councilor Rita Shananaquet)

Motion carried

Motion made by Councilor Beatrice A. Law and supported by Treasurer Alice Yellowbank, to approve Gaming Regulatory Commission release of funds in the Casino penalty account in the amount of \$175,000, to the Tribe for deposit into the Enterprise account.

Vote: 5 Yes, 1 No (Councilor Janet Shomin), 0 Abstained, 1 Absent, (Councilor Rita Shananaquet)

Motion carried

10:40 recessed

10:50 reconvened

Motion made by Councilor Beatrice A. Law and supported by Vice-Chairman George Anthony, to approve Tribal Resolution 111801-01 Account Signer Authorization.

Roll Call Vote: Chairman Gerald V. Chingwa- yes, Vice-Chairman George Anthony- yes, Treasurer Alice Yellowbank- yes, Secretary Fred Harrington Jr.- yes, Councilor Janet Shomin- no, Councilor Rita Shananaquet- absent, Councilor Beatrice A. Law - yes

Vote: 5 Yes, 1 No, 0 Abstained, 1 Absent (Councilor Rita Shananaquet)

Motion carried

Motion made by Vice-Chairman George Anthony and supported by Treasurer Alice Yellowbank to approve the purchase of T.E.A.M.S. Voter Registration system for installation in 1170 Bay View Rd. Accounting Building, with the restriction that it will not be activated until Tribal Council has approved personnel authorized to access the system in cost \$11,485.00.

Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Rita Shananaquet)

Motion carried

Motion made by Councilor Beatrice A. Law and supported by Secretary Fred Harrington Jr. to approve renewal of the Victories Casino Liquor License and authorize Tribal Chairman, Gerald Chingwa to sign the license.

Vote: 4 Yes, 2 No (Vice-Chairman George Anthony, Treasurer Alice Yellowbank), 0 Abstained, 1 Absent (Councilor Rita Shananaquet)

Motion carried

Motion made by Secretary Fred Harrington Jr. and supported by Vice-Chairman George Anthony, to accept the Chairman's verbal and written report.

Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Rita Shananaquet)

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Fred Harrington Jr. to contribute \$550.00 towards the cost of the light at the intersection of Pleasantview Rd. and Hathaway Rd. to come from the Enterprise fund donations line item.

Vote: 5 Yes, 1 No (Councilor Janet Shomin), 0 Abstained, 1 Absent (Councilor Rita Shananaquet)

Motion carried

Motion made by Councilor Beatrice A. Law and supported by Treasurer Alice Yellowbank, to allow Vice-Chairman George Anthony to attend the NCAI 58th Annual Conference to include stipend, mileage, lodging, and per-diem.

Vote: 5 Yes, 0 No, 1 Abstained (Vice-Chairman George Anthony), 1 Absent (Councilor Rita Shananaquet)

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Fred Harrington Jr. to approve resolution 111801-02 to appoint Vice-Chairman George Anthony as Alternate Delegate to the NCAI 58th Annual Convention.

Roll Call Vote: Chairman Gerald V. Chingwa- yes, Vice-Chairman George Anthony- abstained, Treasurer Alice Yellowbank- yes, Secretary Fred Harrington Jr.- yes, Councilor Janet Shomin- yes, Councilor Rita Shananaquet- absent, Councilor Beatrice A. Law - yes

Vote: 5 Yes, 0 No, 1 Abstained (Vice-Chairman George Anthony), 1 Absent (Councilor Rita Shananaquet)

Motion carried

Motion made by Councilor Janet Shomin and supported by Secretary Fred Harrington Jr., approval of Resolution 111801-03 Authorization for Chairman Gerald V. Chingwa as delegate to the NCAI 58th Annual Convention.

Roll Call Vote: Chairman Gerald V. Chingwa- abstain, Vice-Chairman George Anthony- yes, Treasurer Alice Yellowbank- yes, Secretary Fred Harrington Jr.- yes, Councilor Janet Shomin- yes, Councilor Rita Shananaquet- absent, Councilor Beatrice A. Law - yes
Vote: 5 Yes, 0 No, 1 Abstained (Chairman Gerald V. Chingwa), 1 Absent (Councilor Rita Shananaquet)

Motion carried

Motion made by Councilor Janet Shomin and supported by Treasurer Alice Yellowbank, to allow Vice-Chairman George Anthony to attend the December meeting in Florida to include, stipend, mileage, lodging, and per-diem.

Vote: 5 Yes, 0 No, 1 Abstained (Vice-Chairman George Anthony), 1 Absent (Councilor Rita Shananaquet)

Motion carried

Motion made by Vice-Chairman George Anthony and supported by Secretary Fred Harrington Jr., to appoint Councilor Janet Shomin to represent Little Traverse Bay Bands of Odawa Indians Tribal Council to the installation of the U.S. Attorney Margret M. Chiara to the office of United States Attorney for the Western District of Michigan, to include mileage, stipend, lodging, and per-diem.

Vote: 5 Yes, 0 No, 1 Abstained (Councilor Janet Shomin), 1 Absent (Councilor Rita Shananaquet)

Motion carried

12:03 open public comment, Ellie Barber, Debra Smithkey-Brown

12:06 public comment closed

Motion made by Councilor Janet Shomin and supported by Councilor Beatrice A. Law, to approve Enrollment Statute Amendment,

SECTION I. ENROLLMENT STATUTE AMENDMENT

The Enrollment Statute of December 19, 1999, being Waganakising Odawak Statute 1999014, is amended by deleting Sections V(B)(3) and VI, and adding the following new Section V (C):

C. The blood quantum of persons whose names appear on the Durant roll will be determined by the notations contained on the roll and accompanying field notes. Provided, solely for purposes of their own Tribal enrollment, the blood quantum of Tribal members who enrolled in reliance on the statutory provision in place from May 23, 1999 [WOS 1999005, Section V(B)(4); WOS 1999014 Section V(B)(3)], and the blood quantum of persons who submit their enrollment applications by December 31, 2001, shall not be affected by this amendment.

SECTION II. EFFECTIVE DATE

This Statute shall take effect on January 1, 2002.

Roll Call Vote: Chairman Gerald V. Chingwa- yes, Vice-Chairman George Anthony- yes, Treasurer Alice Yellowbank- yes, Treasurer Fred Harrington Jr.- no, Councilor Janet Shomin- yes, Councilor Rita Shananaquet- absent, Councilor Beatrice A. Law – yes
Vote: 5 Yes, 1 No (Secretary Fred Harrington Jr.), 0 Abstained, 1 Absent
(Councilor Rita Shananaquet)

Motion carried

12:22 pm, recessed for lunch until 2:00pm

2:00 pm, reconvened Councilor Beatrice A. Law and Treasurer Alice Yellowbank absent, Councilor Rita Shananaquet arrived

2:06 Councilor Beatrice A. Law and Treasurer Alice Yellowbank arrived

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairman George Anthony, to approve \$886,684.00 for the expansion of Victories Casino to be funded from the capital improvement line item of the Victories budget.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Rita Shananaquet, to accept Ron's report.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

2:12 pm, Motion made by Councilor Rita Shananaquet and supported by Vice-Chairman George Anthony to go into closed session for legal reasons.

Vote: 6 Yes, 1 No (Secretary Fred Harrington Jr.), 0 Abstained, 0 Absent

Motion carried

2:48 pm, Motion made by Councilor Rita Shananaquet and supported by Vice-Chairman George Anthony to return to open session.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Chairman Gerald V. Chingwa issued directive for Tribal Administrator to provide staff support from the Planning Department, for the Economic Development Commission.

Motion made by Secretary Fred Harrington Jr. and supported by Councilor Beatrice A. Law, to approve the amended Deputization and Mutual Law enforcement Assistance Agreement Between the Little Traverse Bay Bands of Odawa Indians and the Sheriff of Charlevoix County with authorizing signatories, Chairman Gerald V. Chingwa, LTBB Chief of Police Jeffery Cobe, and LTBB Tribal Prosecutor Gregory Justis

Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Councilor Janet Shomin), 0 Abstained, 0 Absent
Motion carried

Motion made by Secretary Fred Harrington Jr. and supported by Treasurer Alice Yellowbank to approve burial request #A0029 in the amount requested.
Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent
Motion carried

Motion made by Councilor Beatrice A. Law and supported by Treasurer Alice Yellowbank, to approve burial request #A0030 in the amount requested.
Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent
Motion carried

Motion made by Councilor Rita Shananaquet and supported by Treasurer Alice Yellowbank, to approve the request in the amount of \$300,000 for additional staff of Conservation Officer and partial support for Natural Resources Department Director to come from the Consent Decree funding authorizing Chairman Gerald V. Chingwa to send a letter requesting that amount.
Vote: 6 Yes, 0 No, 1 Abstained (Vice-Chairman George Anthony), 0 Absent
Motion carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairman George Anthony to approve \$14,000 for the Winter Solstice party to come from the Enterprise Fund cultural line item.
Vote: 6 Yes, 1 No (Treasurer Alice Yellowbank), 0 Abstained, 0 Absent
Motion carried

4:22 pm recessed
4:31 pm reconvened

Chairman Gerald V. Chingwa issued directive for Tribal Administrator to appoint employees of Tribal Government staff to the Long Range Transportation Planning Committee.

Motion made by Councilor Rita Shananaquet and supported by Secretary Fred Harrington Jr. to waive the indirect cost expense on fines and fees collected by LTBB Tribal Court.
Vote: 7 Yes, 0 No, Abstained, 0 Absent
Motion carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairman George Anthony, to approve Resolution 111801-04 Request for Trust Acquisition.
Roll Call Vote: Chairman Gerald V. Chingwa- yes, Vice-Chairman George Anthony- yes, Treasurer Alice Yellowbank- yes, Secretary Fred Harrington Jr.- yes, Councilor Janet Shomin- yes, Councilor Rita Shananaquet- yes, Councilor Beatrice A. Law - yes

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent,
Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Rita Shananaquet to approve Resolution 111801-05 Request for Trust Acquisition.
Roll Call Vote: Chairman Gerald V. Chingwa- yes, Vice-Chairman George Anthony- yes, Treasurer Alice Yellowbank- yes, Treasurer Fred Harrington Jr.- yes, Councilor Janet Shomin- yes, Councilor Rita Shananaquet- yes, Councilor Beatrice A. Law - yes
Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent,
Motion carried

Motion made by Councilor Rita Shananaquet and supported by Secretary Fred Harrington Jr., to approve \$200 stipend per hearing for the Gaming Regulatory Commission.
Vote: 3 Yes, 4 No (Chairman Gerald V. Chingwa, Vice-Chairman George Anthony, Councilor Beatrice A. Law, Treasurer Alice Yellowbank), 0 Abstained, 0 Absent
Motion failed

5:27 opened public comment, Shirley Oldman, Margaret Wright
5:32 public comment closed

Motion made by Treasurer Alice Yellowbank and supported by Councilor Rita Shananaquet, to place on the legislative calendar Waganakising Odawak Statute number to be determined, update of building codes.
Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent
Motion carried

Motion made by Secretary Fred Harrington Jr. and supported by Councilor Beatrice A. Law to approve \$14,000.00 for the Winter Solstice Family Carnival in the Grand Rapids area to be taken from the Enterprise Fund cultural line item.
Vote: 6 Yes, 0 No, 1 Abstained (Councilor Janet Shomin), 0 Absent
Motion carried

Motion made by Secretary Fred Harrington Jr. and supported by Councilor Beatrice A. Law, to approve Resolution #111801-06 Gaming Revenue Allocation Plan.
Roll Call Vote: Chairman Gerald V. Chingwa- yes, Vice-Chairman George Anthony- yes, Treasurer Alice Yellowbank- yes, Treasurer Fred Harrington Jr.- yes, Councilor Janet Shomin- yes, Councilor Rita Shananaquet- yes, Councilor Beatrice A. Law - yes
Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent
Motion carried

6:03 pm, Motion made by Vice-Chairman George Anthony and supported by Councilor Rita Shananaquet, to go into executive session.
Vote: 6 Yes, 1 No (Secretary Fred Harrington Jr.), 0 Abstained, 0 Absent
Motion carried

6:24 pm, Motion made by Councilor Rita Shananaquet and supported by Vice-Chairman George Anthony, to return to open session.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

6:28 pm, Motion made by Vice-Chairman George Anthony and supported by Secretary Fred Harrington Jr., to adjourn.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

These minutes have been read and approved as written:

Recorded by:

Fred Harrington Jr., Tribal Secretary

Date